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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

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 SAP AG, SAP AMERICA, INC., and  
 TOMORROWNOW, INC.

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TEMPORARY  
 STAY OF EXECUTION OF  
 JUDGMENT AND STIPULATED  
 REQUEST TO EXTEND BRIEFING  
 SCHEDULE**

**Stipulation to Extend Temporary Stay of Execution of Judgment**

WHEREAS, the Court entered final judgment in the above-captioned matter on February 3, 2011 (ECF No. 1036);

WHEREAS, Rule 62(a) of the Federal Rules of Civil Procedure provides that “no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days have passed after its entry,” Fed. R. Civ. P. 62(a);

WHEREAS, at the Parties’ request, the Court granted a temporary stay of execution of final judgment, which will expire on March 10, 2011;

WHEREAS, the Parties continue to negotiate an appropriate security for the judgment;

WHEREAS, the Parties agree to: (i) extend the temporary stay of execution for an additional 14 days, and (ii) should Defendants file a motion pursuant to Rules 62(b) and 62(d) of the Federal Rules of Civil Procedure to stay of execution of final judgment pending disposition of post-judgment motions and, if necessary, an appeal by having the Court set an appropriate security (“Rule 62(b) and 62(d) Motion”) within that 14-day time period, extend the temporary stay of execution through the Court’s ruling on the Rule 62(b) and 62(d) Motion;

NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that execution of judgment shall be stayed until March 24, 2011, or, should Defendants file a Rule 62(b) and 62(d) Motion on or before March 24, 2011, that execution of judgment shall be stayed through the Court’s ruling on the Rule 62(b) and 62(d) Motion.

**Stipulated Request to Extend Briefing Schedule**

Pursuant to Civil Local Rules 6-2, 6-12, and 7-4, the Parties submit this stipulated request to extend the briefing schedule for post-judgment briefs filed pursuant to Rule 50(b) and Rule 59 of the Federal Rules of Civil Procedure (the “Post-Trial Motions”).

Following the filing of the Parties’ February 18, 2011 Stipulated Request, Dkt. No. 1041, the Court set a briefing and hearing schedule for the Post-Trial Motions in the Court’s February 23, 2011 Order, Dkt. No. 1043. Given the complexity of the issues addressed in the Post-Trial Motions, good cause exists for a minor extension of the time to file Opposition and Reply Briefs.

Specifically, the Parties jointly request that the Court grant an additional 9-day extension to file Opposition Briefs and an additional 5-day extension to file Reply Briefs. As the current hearing date set by the Court is July 13, 2011, the Parties do not believe that the requested additional extension of time, which still provides the Court approximately 2.5 months to consider the Parties' briefing, will impact the hearing date or the Court's consideration of the Post-Trial Motions.

Accordingly, the Parties request that the Court modify the briefing schedule as follows:

April 8            Deadline to file Opposition Briefs

April 27          Deadline to file Reply Briefs

July 13           Hearing

The only purpose of this request is to extend the briefing deadlines as noted above, and thus, this request neither affects any other rights or obligations of the Parties, nor impacts the briefing page limits or briefing description set forth in the Parties' February 18, 2011 Stipulated Request, Dkt. No. 1041, and approved by the Court's February 23, 2011 Order, Dkt. No. 1043.

**IT IS SO STIPULATED.**

Dated: March 9, 2011

Bingham McCutchen LLP

By: /s/ Geoffrey M. Howard  
 Geoffrey M. Howard  
 Attorneys for Plaintiffs  
 Oracle USA, Inc., Oracle International  
 Corporation, and Siebel Systems, Inc.

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

1 Dated: March 9, 2011

JONES DAY

2  
3 By: /s/ Tharan Gregory Lanier  
4 Tharan Gregory Lanier

5 Counsel for Defendants  
6 SAP AG, SAP AMERICA, INC., and  
7 TOMORROWNOW, INC.

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9  
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13  
14 DATED: \_\_\_\_\_

15 By: \_\_\_\_\_  
16 Hon. Phyllis J. Hamilton  
17 United States District Court Judge